

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ERIC BENJAMIN TRAYLOR, §
#02200139, §
Petitioner, §
§
v. § No. 3:23-cv-00335-K (BT)
§
DIRECTOR, TDCJ-CID, §
Respondent. §

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Petitioner filed no objections. The District Court reviewed the findings, conclusions, and recommendation for clear error. Finding no error, the Court **ACCEPTS** the findings, conclusions, and recommendation of the United States Magistrate Judge. Petitioner's habeas application will be dismissed by separate judgment.

Further, considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of appealability. The Court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the Petitioner has failed to show (1) that reasonable jurists would find this

Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If Petitioner does appeal, he must seek leave to proceed *in forma pauperis* on appeal or pay the \$605.00 appellate filing fee.

SO ORDERED.

Signed December 3rd, 2024.



ED KINKEADE
UNITED STATES DISTRICT JUDGE